

Atty. Dkt. No. SOLAR1120-3
(051264-0306)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank D. Husson, Jr.
Title: SOLAR WATER HEATER AND
PASTEURIZER
Appl. No.: 10/039,277
Filing Date: 01/04/2002
Examiner: Carl D. Price
Art Unit: 3749

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.
<u>Rachel Ann Caputo</u> (Printed Name)
<u>[Signature]</u> (Signature)
<u>September 14, 2005</u> (Date of Deposit)

REMARKS

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant acknowledges receipt of the Examiner's Advisory Action dated April 26, 2005. As submitted in the accompanying Request for Continued Examination, Applicant respectfully requests entry and consideration of the proposed amendments and the declaration submitted under 37 C.F.R. § 1.132, all previously submitted March 14, 2005. Applicant further submits that the amendments made to the specification and Figure 1 are fully supported by the specification (as detailed in the Amendment and Reply to Office Action dated March 14, 2005) and do not raise the issue of new matter.

Applicant also acknowledges receipt of the "newly discovered" prior art documents provided by facsimile transmission on May 9, 2005. Applicant elects not to address the

DLMR_275302.1

In re Application of
Frank D. Husson, Jr.
Application No. 10/039,277

Atty. Dkt. No. SOLAR1120-3
(051264-0306)

references provided by the Examiner as these references are, at best, cumulative when considered in view of the seven (7) references previously cited by the Examiner. Furthermore, Applicant submits that the newly cited references have not been properly made of record and the Examiner has not applied each of the references to the presently pending claims.

The Examiner is invited to contact the undersigned by telephone in the event any issues remain in view of this communication so that a prompt disposition of this application can be achieved.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 9/14/05

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

By 

Stephen E. Reiter
Registration No. 31,192
Attorney for Applicants

DLMR_275302.1